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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,046	10/11/2001	Satoshi Shinada	Q66672	7606

7590                    05/19/2003

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EXAMINER

NGHIEM, MICHAEL P

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 05/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/974,046

Applicant(s)

SHINADA, SATOSHI

Examiner

Michael P Nghiem

Art Unit

2863

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 February 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-16, 19, 21-23, 25-36, 39 and 40 is/are allowed.
- 6) Claim(s) 17, 20, 37 and 38 is/are rejected.
- 7) Claim(s) 18 and 24 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

The Amendment filed on February 21, 2003 has been acknowledged.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 20, 37, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Childers et al. (EP 878 307).

Childers et al. discloses all the claimed features of the invention including:

- an inkjet printer (10, Fig. 2) comprising:

- an ink cartridge (12), wherein the ink cartridge is one of ink cartridges that are detachably attached to a cartridge accommodating portion (14) of the inkjet printer as aligned in parallel, wherein each ink cartridge includes a contact (24) that contacts one of connecting members (30) formed in the cartridge accommodating portion when the ink cartridge is attached to the cartridge accommodating portion (Fig. 3), and wherein

each contact is located offset from the middle of the associated ink cartridge in an aligning direction of the ink cartridges (Fig. 3);

- wherein said contact of each ink cartridge is contained on a side surface of the ink cartridge (contact 24 is contained on surface of a recess, Fig. 3), and

- wherein the side surface of the ink cartridge is substantially parallel to an insertion direction in which said ink cartridge is inserted into said cartridge accommodating portion (the surface of the recess containing 24 is parallel to an insertion direction, Figs. 1, 3);

- wherein said one of said connecting members is contained on a side surface of the cartridge accommodating portion (30 is contained on surface of a protrusion, Fig. 1),

- wherein the side surface of the cartridge accommodating portion is substantially parallel to an insertion direction in which said ink cartridge is inserted into said cartridge accommodating portion (the surface of the protrusion containing 30 is parallel to an insertion direction, Figs. 1, 3).

#### ***Allowable Subject Matter***

2. Claims 18 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. Claims 1-16, 19, 21-23, 25-36, 39, and 40 are allowed.

***Reasons For All rejections***

4. The combination as claimed wherein an ink cartridge including both of the contacts of a first pair of adjacent ink cartridges contact a first one of the connecting members (claims 18, 39) or the size of the second engaging portion is substantially different than the size of the third engaging portion (claims 25, 28) is not disclosed, suggested, or made obvious by the prior art of record.

***Response to Arguments***

5. Applicant's arguments filed on February 21, 2003 have been considered but are not persuasive.

With respect to the 35 USC 102 rejections, Applicants argue that the contact and connecting members of Childers are not contained on a side surface of the ink cartridge or cartridge accommodating portion of Fig. 3, when the side surface is defined as being substantially parallel to an insertion direction in which an ink cartridge is inserted into the cartridge accommodating portion.

Examiner's position is that the contact (24) and connecting members (30) of Childers are contained on a side surface of the ink cartridge (surface of recess containing 24) or cartridge accommodating portion (surface of protrusion containing 30), when the side surface is defined as being substantially parallel to an insertion direction in which an ink cartridge is inserted into the cartridge accommodating portion (surface is parallel to insertion direction of cartridge, Fig. 3).

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

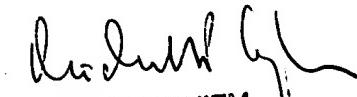
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for

Art Unit: 2863

the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



MICHAEL NGHIEM  
PRIMARY EXAMINER

Michael Nghiem

May 12, 2003